

Remarks

Claim 7 has been amended to recite “wherein the enhanced IP data is an event-based Extensible Markup Language representation”. Claim 16 recites “wherein the IP data is an event-based Extensible Markup Language representation”. Claim 29 has been amended to recite “wherein the enhanced IP data is an event-based Extensible Markup Language representation”. Support for these amendments can be found, for example, at page 13, lines 11-12.

No new matter has been introduced by these amendments.

I. Rejection of Claims 7-9 and 11-13 Under 35 U.S.C. §103(a) as Being Obvious Over U.S. Patent Number 6,536,041 to Knudson in View of U.S. Patent Number 6,421,358 to Stimmel

Claims 7-9 and 11-13 were rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent Number 6,536,041 to Knudson (“Knudson”) in view of U.S. Patent Number 6,421,358 to Stimmel (“Stimmel”).

Independent Claim 7

Claim 7 is directed to a method for presenting enhanced broadcast television programming. As amended herein, claim 7 recites, *inter alia*:

receiving enhanced Internet protocol (IP) data including an event identifier associating the IP data with one of the plurality of television listings, wherein the IP data corresponds to broadcast television programming currently available to a viewer, wherein the enhanced IP data is an event-based Extensible Markup Language representation; and,

presenting a visual cue to the viewer based on the IP data on a video display, wherein the visual cue comprises an active status indicator indicating a status of one or more

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currently available broadcast television programs, wherein the status indicates in real-time whether the one or more currently available broadcast television programs is currently active or inactive.

Knudson and Stimmel, individually and/or in combination, do not teach, suggest or make obvious these features.

Knudson discloses a program guide system is provided in which an interactive television program guide that is implemented at least partially on user television equipment receives program listings data and real-time data such as sports scores, news data, and the like. (Knudson, Abstract). Applicant agrees that Knudson does not disclose “real-time data” including Internet Protocol data. (*See*, Office Action at page 4). Stimmel does not cure the deficiencies of Knudson.

Stimmel discloses a system and associated method for delivering a data stream to an audience member a communications device associated with an audience member. (Stimmel, Abstract). A synchronization processor receives broadcast event data of event objects of an event, live event data of event objects of the event, and static event data of event objects of the event. (Stimmel, Abstract). The synchronization processor generates a synchronized data stream having broadcast, live, and static event data for an event object of the event. (Stimmel, Abstract).

The live event data can include Internet Protocol (IP) live data regarding the event object of the event. (Stimmel, col. 3, lines 36-38). For example, the event object may be the golf ball and the live data would include the distance from the golf ball lying on the golf course to the hole, velocity of the golf ball during flight, the trajectory of the golf ball during flight, and the like. (Stimmel, col. 3, lines 38-48).

Stimmel does not teach, suggest or make obvious the IP live data being an event-based Extensible Markup Language (XML) representation, as recited in claim 7, as amended herein. The event-based XML representation can be filtered in one or more playback modes, for example, playback of active game play only, playback of specific player participation, or playback of other highlights according to created game segments. (*See*, Specification at page 19, lines 1-6).

Applicant respectfully submits that Knudson and Stimmel, individually and/or in combination do not teach, suggest or make obvious receiving enhanced Internet protocol (IP) data including an event identifier associating the IP data with one of the plurality of television listings, wherein the IP data corresponds to broadcast television programming currently available to a viewer, wherein the enhanced IP data is an event-based Extensible Markup Language representation, as recited in claim 7, as amended herein. (Emphasis added).

Since claim 7 recites features not taught, suggest or made obvious by the references of record, claim 7 patentably distinguishes over the references of record and is in condition for allowance. Furthermore, dependent claims 8, 9, 11-13 also patentably distinguish over the references of record and are in condition for allowance.

II. Rejection of Claims 16 and 17 Under 35 U.S.C. §103(a) As Being Obvious Over Knudson in View of Stimmel and Further in View of U.S. Patent Number 7,559,073 to Marler

Claims 16 and 17 were rejected under 35 U.S.C. §103(a) as being obvious over Knudson in view of Stimmel and further in view of U.S. Patent 7,559,073 to Marler (“Marler”).

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Independent claim 16

Claim 16 is directed to a client system for receiving a broadcast television navigation service. Claim 16 recites, *inter alia*, means for receiving Internet protocol (IP) data that is not provided in a program band of the broadcast television programming, wherein the IP data corresponds to broadcast television programming currently available to a viewer, wherein the IP data is an event-based Extensible Markup Language representation. Knudson, Stimmel and/or Marler, individually and/or in combination, do not teach, suggest or make obvious these features.

As discussed above, Knudson does not disclose “real-time data” including Internet Protocol data. (*See*, Office Action at page 7). Stimmel does not cure the deficiencies of Knudson. The live event data of Stimmel can include Internet Protocol (IP) live data regarding the event object of the event. (Stimmel, col. 3, lines 36-38). However, Stimmel does not teach, suggest or make obvious the IP live data being an event-based Extensible Markup Language representation, as recited in claim 16, as amended herein.

Marler does not cure the shortcomings of Knudson and/or Stimmel. Marler discloses transport streams can contain audio, video, and data (e.g., ancillary information), with all of them tightly associated with that single transport stream program. (Marler, col. 3, lines 12-14). When a user tunes to the transport stream program, the receiving device knows the audio, video, and data that are associated because they are marked as being part of the same program. (Marler, col. 3, lines 14-18). Marler discloses the transmission of IP multicast enhancement data associated with multiple TV channels over a link that is separate from the transport medium used to transmit the audio video content. (Marler, col. 3, line 63 – col. 4, line 1). Marler does not teach, suggest or make obvious the IP multicast enhancement data is an event-based Extensible Markup Language representation, as recited in claim 16, as amended herein.

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Applicant respectfully submits that Knudson, Stimmel and Marler, individually and/or in combination, do not teach, suggest or make obvious means for receiving Internet protocol (IP) data that is not provided in a program band of the broadcast television programming, wherein the IP data corresponds to broadcast television programming currently available to a viewer, wherein the IP data is an event-based Extensible Markup Language representation, as recited in claim 16, as amended herein.

Since claim 16 recite features not taught, suggest or made obvious by the references of record, claim 16 patentably distinguishes over the references of record and is in condition for allowance. Furthermore, dependent claims 17 and 18 also patentably distinguish over the references of record and are in condition for allowance.

III. Rejection of Claim 18 Under 35 U.S.C. §103(a) As Being Obvious Over Knudson in View of Stimmel and Marler and Further in View of U.S. Published Application Number 2008/0282294 to Carpenter

Claim 18 was rejected under 35 U.S.C. §103(a) as being obvious over Knudson in view of Stimmel and Marler and further in view of U.S. Published Application Number 2008/0282294 to Carpenter (“Carpenter”). Applicant respectfully submits that Carpenter does not cure the deficiencies discussed with respect to independent claim 16 above. Further, claim 18 is a dependent claim and allowable based on dependency from allowable independent claim 16 as described above. Accordingly, Applicant respectfully requests that the rejection of claim 18 be withdrawn.

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IV. Rejection of Claim 29 Under 35 U.S.C. §103(a) As Being Obvious Over Knudson in View of Stimmel and Further in View of U.S. Patent Number 6,839,901 to De Saint Marc

Claim 29 was rejected under 35 U.S.C. §103(a) as being obvious over Knudson in view of Stimmel and further in view of U.S. Patent Number 6,839,901 to De Saint Marc (“De Saint Marc”).

Independent claim 29

Claim 29 is directed to a method for delivering enhanced broadcast television programming data. As amended herein, claim 29 recites, *inter alia*, receiving enhanced Internet protocol (IP) data including an event identifier associating the IP data with one of the plurality of television listings, wherein the IP data corresponds to broadcast television programming currently available to a user, wherein the enhanced IP data is an event-based Extensible Markup Language representation. Knudson, Stimmel and/or De Saint Marc, individually and/or in combination, do not teach, suggest or make obvious these features.

As discussed above, Knudson and Stimmel do not teach, suggest or make obvious wherein the enhanced IP data is an event-based Extensible Markup Language representation, as recited in claim 29, as amended herein. Applicant respectfully submits that De Saint Marc does not cure the shortcomings of Knudson and Stimmel.

De Saint Marc is relied upon in the Office Action as disclosing a visual cue that comprises a real-time event alert informing the user of an action that is about to occur in one or more currently available broadcast television programs. (Office Action at page 11). Applicant respectfully submits that De Saint Marc does not teach, suggest or make obvious receiving the enhanced IP data that is an event-based Extensible Markup Language representation, as recited in claim 29, as amended herein.

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Since claim 29 recite features not taught, suggest or made obvious by the references of record, claim 29 patentably distinguishes over the references of record and is in condition for allowance.

Conclusion

For the reasons set forth above, claims 7-9, 11-13, 16-18 and 29 patentably and unobviously distinguish over the reference and are allowable. An early allowance of all claims is earnestly solicited.

Respectfully submitted,

Date: October 20, 2009

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